IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

LA.App..No. 430 of 2004()

LAR.86/2002 of SUB COURT, CHERTHALA
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APPELLANT: CLAIMANT

M.SIVANANDAN, PUTHUKKATTU CHANIYIL,
PALLIPPURAM, CHERTHALA,
ALAPPUZHA DISTRICT.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENTS:
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1. SPECIAL TAHSILDAR (LA),
INDUSTRIAL GROWTH CENTRE,
ALAPPUZHA.

2. MANAGING DIRECTOR,
K.S.I.D.C., THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.
SRI.G.S.REGHUNATH

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.430 of 2004

Dated 13th December, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 86/02 on the file of the Sub Court, Cherthala. The acquisition is for the purpose of Industrial Growth Centre at Pallippuram Village, Cherthala Taluk. An extent of 12.55 Ares of land belonging to the appellant was acquired by fixing the land value at the rate of Rs.988/- per Are. The reference court answered the reference holding that the value fixed by the Land Acquisition Officer is just and fair since the claimant did not have any other evidence. Learned counsel for the appellant submits that for the similarly situated adjacent land covered by LAR 54/01, the reference court has granted land value at the rate of Rs.2,471/- per Are. We are not clear as to whether the properties are comparable and similarly situated; that is a matter to be looked into by the reference court. In the interests of justice, we are of the view that an opportunity should be given to the appellant to produce the judgment before the reference court. Accordingly, we set aside the judgment and decree under appeal

with liberty to the appellant to canvass the land value in the reference referred to above, in case his property is also similar and similarly situated. The parties shall appear before the reference court on 14.1.2008 and thereafter, the reference shall be answered, within another four months.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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